

# San Francisco Bay Conservation and Development Commission

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January 4, 2019

**TO:** Commissioners and Alternates

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**SUBJECT: Staff Recommendation on Proposed Brief Descriptive Notice for Possible Bay Plan Amendment No. 1-19 to Review and Possibly Revise Bay Plan and Seaport Plan Port Findings, Policies and Designations**

(For Commission consideration on January 17, 2019)

## Staff Recommendation

The staff recommends that the Commission (1) adopt the attached Brief Descriptive Notice to initiate the process of considering a possible amendment of the *San Francisco Bay Plan* and *San Francisco Bay Area Seaport Plan* to review and possibly revise the Commission's Port Findings, Policies, and Designations; and, (2) schedule a public hearing for December 5, 2019 to consider the proposed amendment.

## Staff Report

The Commission's *San Francisco Bay Area Seaport Plan* ("Seaport Plan") expands on and provides more detail for the Commission's *San Francisco Bay Plan* ("Bay Plan") policies related to ports and port priority use areas. The designation is intended, in part, to preserve adequate upland areas for port uses, and thus help minimize the need for additional Bay fill. The five ports within the San Francisco Bay Conservation and Development Commission's (BCDC) jurisdiction are the Ports of Benicia, Oakland, Redwood City, Richmond, and San Francisco. While a number of amendments to the Seaport Plan have occurred over the years, most of which were related to single applications by property owners, the last thorough plan review and update occurred during the two years prior to the plan's April 1996 adoption by the Commission. BCDC staff did not propose a comprehensive review of the Seaport Plan during this 22 year period because the plan's cargo projections remain in effect through 2020.

One of the foundations upon which the Commission's port designations are based is a forecast of the volume of the different cargo types that are expected to be handled at the Bay Area ports. As the plan forecast expires in 2020, to respond to future amendment requests, the

Commission requires an updated forecast and other background information. An important component of the Commission's decision-making related to appropriate port land use designations will be examining how advances in cargo handling technologies can meet future cargo volumes. Additionally, the potential effects of rising sea level on the ports, including landside facilities, need to be addressed in the Seaport Plan update.

Staff also has been in preliminary contact with the Bay Area Ports to learn if they are considering land use changes on their properties. Any formal applications received to do so would be processed with this amendment. To consider removing a port priority use area designation, the Commission must evaluate the impact of the deletion on the region's capacity to handle the total amount of ocean-going cargo projected to pass through the Bay Area ports. Therefore, to approve a designation change, the Commission must determine that eliminating a potential future use of an area for port purposes will not negatively affect the region's overall cargo handling capacity and will not increase the need to fill the Bay for future port development.

The Metropolitan Transportation Commission (MTC) has provided funding for BCDC staff to review the plan, update background information and conduct related analysis. Staff will return by mid-2019 with a description of the ports' requested changes and a draft contract with the ports for the Commission's consideration to fund consultant work required to complete an environmental assessment for the proposed amendment.

If the Commission votes to adopt the brief descriptive notice, technical details, including an updated cargo forecast, will be reviewed by the Commission's Seaport Planning Advisory Committee, which includes representatives from BCDC, MTC/Association of Bay Area Governments, the federal Maritime Administration, the five Bay Area ports, Caltrans, and Save the Bay Association. The Seaport Planning Advisory Committee will consider the proposed changes and forward its recommendations to the Commission. BCDC staff will prepare its own analysis, as well as forward its report and the recommendations of the Seaport Planning Advisory Committee to the Commissioners and interested parties at least 30 days in advance of the Commission's scheduled public hearing on the amendment request.

### **Commission Procedure**

Circulating a brief descriptive notice is the first step in the process of amending the Bay Plan. The McAteer-Petris Act (Government Code Section 66652) and Section 11000 of the Commission's regulations (California Administrative Code, Title 14, Division 5) require a notice of the proposed amendment. If the attached proposed brief descriptive notice is approved by the Commission January 17, 2019, it will be mailed January 18, 2019, and a public hearing on proposed Bay Plan Amendment No. 1-19 will be held December 5, 2019.

The staff will distribute a report on the proposed amendment with the staff's preliminary recommendation for the specific changes to the Bay Plan to all Commissioners, Alternates, and interested parties at least 30 days prior to the public hearing as required by the Commission's regulations (California Administrative Code, Title 14, Division 5, Section 11001). Upon conclusion of the public hearing, and after submission of the Executive Director's final recommendation, the Commission can vote upon the proposed plan change.

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## *Descriptive Notice*

January 18, 2019

### **Proposed *San Francisco Bay Plan* Amendment**

#### **Hearing Concerning Possible *San Francisco Bay Plan* Amendment No. 1-19 to Review and Possibly Revise Bay Plan and Seaport Plan Port Findings, Policies, and Designations**

**Notice** is hereby given that the San Francisco Bay Conservation and Development Commission will consider an amendment to the *San Francisco Bay Plan* and the *San Francisco Bay Area Seaport Plan*. The proposed amendment would involve a thorough review and possible revision of the Plans' Port Findings, Policies, and Designations.

**A Public Hearing on the possible amendment is scheduled to be held December 5, 2019 at 375 Beale Street in San Francisco, California, starting at 1:00 P.M.** At least thirty days prior to the initial meeting, the staff will prepare and mail a staff report and preliminary recommendation on the proposed amendment. Interested persons may request the staff report and present written comments on or before December 5, 2019. Oral comments may be presented at the December 5, 2019 Commission meeting or thereafter as directed by the Commission.

This **Notice** is prepared in conformance with Section 66652 of the California Government Code, Section 11001 of Title 14, Division 5 of the California Code of Regulations, and Section 312 of the federal Coastal Zone Management Act of 1980. If, after the hearing, the Commission adopts an amendment to the *San Francisco Bay Plan* described in this notice and subsequent staff report, such amendment will be processed as a routine program change of the Commission's federally-approved coastal management program for San Francisco Bay. Any federal agency interested should, therefore, comment to the Commission on or before December 5, 2019. Any written comment received subsequent to the close of the public hearing and public comment period will be distributed to the Commission; however, the staff will not provide a response to the comment in its staff recommendation but will advise the

Commission whether it believes the comment raises a new, substantial issue. If the Commission determines that the comment raises a new, substantial issue, the Commission may reopen the public hearing, and the staff would prepare and distribute a new planning report.

Whether the Bay Plan should be amended as described above, and in what manner, will be the subject of the public hearing and Commission deliberation.

Further information concerning the proposed amendment can be obtained by contacting Linda Scourtis at the Commission's office, 455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102. Ms. Scourtis can also be reached at (415) 352-3644 or at [linda.scourtis@bcdca.gov](mailto:linda.scourtis@bcdca.gov).